

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN LINDKE, *et al.*,

Plaintiffs,

v.

Case No. 22-cv-11767
Hon. Matthew F. Leitman

MAT KING, *et al.*,

Defendants.

**ORDER (1) GRANTING IN PART AND DENYING IN PART
DEFENDANTS' MOTION TO DISMISS FIRST AMENDED
COMPLAINT, OR, IN THE ALTERNATIVE, TO CERTIFY
THE ISSUE OF THE APPLICABILITY OF MCL 51.282 TO
CRIMINAL CONTEMPT SENTENCES TO THE MICHIGAN
SUPREME COURT (ECF No. 18) AND (2) DENYING AS MOOT
PLAINTIFFS' MOTION FOR ORDER TO DETERMINE WHETHER
THIS COURT IS DECLINING SUPPLEMENTAL JURISDICTION
OVER STATE CLAIMS OR TO CERTIFY QUESTION TO THE
MICHIGAN SUPREME COURT (ECF No. 21)**

On June 6, 2023, the Court held a hearing over video conferencing to hear argument on two motions that are now pending before the Court: Defendants' Motion to Dismiss First Amended Complaint, or, in the Alternative, to Certify the Issue of the Applicability of MCL 51.282 to Criminal Contempt Sentences to the Michigan Supreme Court (ECF No. 18) and Plaintiffs' Motion for Order to Determine Whether this Court is Declining Supplemental Jurisdiction over State Claims or to Certify Question to the Michigan Supreme Court (ECF No. 21). For

the reasons explained on the record during that hearing, Defendants' Motion to Dismiss First Amended Complaint, or, in the Alternative, to Certify the Issue of the Applicability of MCL 51.282 to Criminal Contempt Sentences to the Michigan Supreme Court (ECF No. 18) is **GRANTED IN PART** and **DENIED IN PART** as follows:

- The motion is **DENIED** to the extent that it seeks dismissal of Plaintiffs' claims under 42 U.S.C. § 1983 (Counts I, III, V, VII, and IX).
- The motion is **GRANTED** to the extent that it seeks dismissal of Plaintiffs' claims under the Michigan Constitution (Counts II, IV, VI, VIII, and X).

Those claims are **DISMISSED WITH PREJUDICE**.

Moreover, as further explained on the record and because the Court has dismissed Plaintiffs' state-law claims, Plaintiffs' Motion for Order to Determine Whether this Court is Declining Supplemental Jurisdiction over State Claims or to Certify Question (ECF No. 21) is **DENIED AS MOOT**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: June 6, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 6, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126